

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NICHOLAS DUPREE**

**Plaintiff,**

**v.**

**JOHN E. WETZEL, *et al.***

**Defendants.**

**CIVIL ACTION NO. 21-1944**

**ORDER**

**AND NOW**, this 20th day of December 2021, upon consideration of the Amended Petition for Writ of Habeas Corpus [Doc. No. 9], the Report and Recommendation relating thereto [Doc. No. 38], and Petitioner’s Letter of June 24, 2021 [Doc. No. 37], and for the reasons set forth in the Memorandum Opinion accompanying this Order, it is hereby **ORDERED** that:

1. The Report and Recommendation [Doc. No. 38] is **APPROVED AND ADOPTED**;
2. The Amended Petition for a Writ of Habeas Corpus [Doc. No. 9] is **DISMISSED**, without an evidentiary hearing, for lack of subject matter jurisdiction.
3. Petitioner’s Motion for Extension of Time [Doc. No. 39] is **DISMISSED** as moot.
4. A certificate of appealability will not issue as there is no basis for concluding that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.”<sup>1</sup>

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<sup>1</sup> *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation and quotation omitted).

5. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**